UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,606	04/28/2001	Amir Michaeli	63131	2587

26327   7590   08/09/2006

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EXAMINER
ZHEN, LI B

ART UNIT	PAPER NUMBER
2194	

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Advisory Action **_Before the Filing of an Appeal Brief_**	09/845,606	MICHAELI ET AL.
	Examiner	**Art Unit**	
	Li B. Zhen	2194	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>17 July 2006</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ They raise the issue of new matter (see NOTE below);

   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: <u>n/a</u>.

   Claim(s) objected to: <u>n/a</u>.

   Claim(s) rejected: <u>1-8 and 13-34</u>.

   Claim(s) withdrawn from consideration: <u>n/a</u>.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.

13. ☐ Other: _____.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER
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Continuation of 11. does NOT place the application in condition for allowance because: applicant's arguments are not persuasive. In response to the Final Office Action dated 05/16/2006, applicant argues: This passage neither teaches nor suggests retrieving items in the same order the items were received and distributed among multiple queues, which would be required of Dagli et al. in order to teach the limitation of "the receiver receives the items from the plurality of sub-data structures in the order" (where "the order" is previously introduced in the claim to be the order that the items were distributed among the sub-data structures), which the Office admits is neither taught nor suggested by Klausmeier et al. [pp. 1-2] However, applicants respectfully submit that this is not a teaching of Dagli et al.; rather, it teaches that the queue data is retrieved from a particular queue in the same order it was written to that same particular queue; not in the same order that it is stored across it multiple queues would be required by a application of the references to independent claim 1 in compliance with the MPEP, as claim 1 recites a system configured to distribute a plurality of items to a plurality of sub-data structures in an order and receiving items from the sub-data structures in the order. [p. 2].

In response to the argument, examiner respectfully disagrees and notes that the claim 1 does not recite or suggest distributing data items across multiple queues in an order and retrieving the data items from the multiple queues in the same order. Claim 1 broadly recites distributing items to the data structure to the plurality of sub-data structures in an order and receiving items from the plurality of sub-data structures in the order. The claims do not require the order to specify a sequence across multiple queues; instead, the order as claimed can be specific to each sub-data structure. Therefore, the claims are broad enough that the recited limitations can be interpreted as an order for each sub-data structure. For example, claim 13 recites "distributes each of a plurality of pieces of the information to be added to a particular one of the plurality of data structures to the plurality of sub-data structures belonging to the particular one of the plurality of data structures in an order"; therefore, claim 13 does not require distributing items across multiple queues. Dagli teaches control logic 240 and utilizes an internal order tracking module 232, such as a FIFO, to track the order that addresses were assigned [p. 4, paragraph 0042] and retrieve the queue data from memory 220 in the same order as it was received, i.e. written to the queue [p. 4, paragraph 0047].